

The Honorable Judge Tiffany M. Cartwright

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

CHRISTY WALKER-SCHAUT,

Plaintiff,

v.

ON POINT GLOBAL LLC,

Defendant.

Case No. 3:23-cv-05913

**UNOPPOSED MOTION AND ORDER  
FOR CONTINUANCE OF CERTAIN  
DEADLINES**

**NOTE ON MOTION CALENDAR:  
DECEMBER 22, 2023**

**UNOPPOSED MOTION**

Pursuant to Local Rule 7(j), defendant On Point Global LLC (“Defendant”) hereby respectfully submits this unopposed motion to continue the initial scheduling dates set forth in the Court’s October 11, 2023 Order [ECF 3], as well as Defendant’s deadline to file a Rule 12 motion or answer to Plaintiff’s complaint and, in support thereof, states as follows:

1. Plaintiff filed her Complaint on October 10, 2023;
2. On October 11, 2023, the Court entered its scheduling Order setting the following deadlines [ECF 3]:

Deadline for FRCP 26(f) Conference: 12/26/2023

Initial Disclosures Pursuant to FRCP 26(a)(1): 1/2/2024

Combined Joint Status Report and Discovery

UNOPPOSED MOTION AND ORDER FOR CONTINUANCE OF  
CERTAIN DEADLINES: CASE NO. 3:23-CV-05913

**HOLLAND & KNIGHT LLP**  
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Plan as Required by FRCP 26(f)  
and Local Civil Rule 26(f):

1/9/2024

3. The current schedule would require the parties to engage in preliminary discovery planning before Defendant's response to the complaint is due on January 10, 2024. *See* ECF 8, 10;

4. Defendant has shared details of its preliminary investigation with Plaintiff and advised that Defendant intends to file, *inter alia*, a motion to compel arbitration pursuant to the arbitration provision and class action waiver in the terms Plaintiff expressly agreed to;

5. Enforcement of the parties' agreement to arbitrate will moot the need for initial disclosures and a scheduling order, and anticipated motion practice on the sufficiency of Plaintiff's allegations in the complaint would also be unnecessary;

6. Defendant therefore requests that the Court extend the initial scheduling deadlines<sup>1</sup> and Defendant's deadline to file a Rule 12 motion or answer to the complaint, until such time after the Court may deny Defendant's forthcoming motion to compel arbitration;

7. Good cause exists to reset the deadlines because it is premature for the parties to engage in preliminary discovery planning and would be a waste of party and court resources to engage in unnecessary motion practice, if this dispute is subject to arbitration;

8. This motion is not filed for the purpose of delay, and no party will be prejudiced by the granting of this motion; and

9. Defendant has conferred with Plaintiff and confirmed that Plaintiff does not oppose the relief sought in this motion.

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<sup>1</sup> Plaintiff did not confirm her non-opposition to this motion until December 21, 2023, and thus the parties held their Rule 26(f) conference on December 22, 2023 to comply with the original deadline should the Court not have an opportunity to rule on this motion before the deadline.

1 WHEREFORE, Defendant respectfully requests that the Court grant this unopposed  
2 motion and reset the deadlines as follows:

3 Defendant's deadline to file a	30 days after the Court denies the
4 Rule 12 motion or answer:	motion compel arbitration
5 Deadline for FRCP 26(f)	15 days after the Court denies the
6 Conference (if not already held):	motion compel arbitration
7 Initial Disclosures Pursuant to	33 days after the Court denies the
8 FRCP 26(a)(1):	motion compel arbitration
9 Combined Joint Status Report and	40 days after the Court denies the
10 Discovery Plan as Required by	motion compel arbitration
11 FRCP 26(f) and Local Civil Rule	
12 26(f):	

13 DATE: December 22, 2023

14 Respectfully submitted,

15 By: s/ Kristin M. Asai

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22 *Attorney for Defendant*

**ORDER**

It is so ORDERED:

Deadlines shall be reset as follows:

Defendant's deadline to file a Rule 12 motion or answer:	30 days after the Court denies the motion compel arbitration
Deadline for FRCP 26(f) Conference (if not already held):	15 days after the Court denies the motion compel arbitration
Initial Disclosures Pursuant to FRCP 26(a)(1):	33 days after the Court denies the motion compel arbitration
Combined Joint Status Report and Discovery Plan as Required by FRCP 26(f) and Local Civil Rule 26(f):	40 days after the Court denies the motion compel arbitration

Dated this 26th day of December, 2023.



Tiffany M. Cartwright  
United States District Court Judge

Presented by:

s/ Kristin M. Asai

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